

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF TEXAS
CORPUS CHRISTI DIVISION

CHERYL GREEN,

Plaintiff,

VS.

NUECES COUNTY, TEXAS, *et al*,

Defendants.

§
§
§
§
§
§
§
§

CIVIL ACTION NO. C-09-316

ORDER

On this day came on to be considered the Emergency Motion for Protective Order of Defendants Cavazos, Guzman, and Hatch. (D.E. 42.) This Motion was filed in Christina Campos, as Representative of the Estate of Roberto Roland Garcia, and Angelita Solis Torres v. Nueces County, Texas, et. al., 2:08-cv-288, and was “incorporated . . . by reference for all purposes as if set forth verbatim” in the Defendant’s Advisory to the Court, filed in this action on June 10, 2010. (D.E. 42.)


Defendants seek a protective order precluding counsel for Plaintiff in the action presently before the Court from deposing Defendant Cavazos about matters relevant to Campos, in which Defendant has asserted a claim of qualified immunity. This qualified immunity claim was denied by this Court but is currently being adjudicated on appeal, effectively preventing any deposition of Cavazos in Campos until his appeal is decided.

On June 7, 2010, the Court held a phone conference in this action, in which the Court ruled that Defendant Cavazos could not use his claim of qualified immunity in Campos to avoid answering deposition questions in Green.¹ For the reasons stated on the record at the

¹ Cavazos has asserted qualified immunity in his answer in Green (D.E. 40 ¶ 37), but has not filed a motion to dismiss on this basis.

Court's June 7, 2010 phone conference, Defendant's Motion for a Protective Order is DENIED. (D.E. 42.)

SIGNED and ORDERED this 11th day of June, 2010.



Janis Graham Jack
United States District Judge